



Deschutes County Board of Commissioners
1300 NW Wall St., Suite 200, Bend, OR 97701-1960
(541) 388-6570 - Fax (541) 385-3202 - www.deschutes.org

AGENDA REQUEST & STAFF REPORT

For Board Business Meeting of August 3, 2015

Please see directions for completing this document on the next page.

DATE: July 27, 2015

FROM: Laurie Craghead Legal Phone # 541-388-6593

TITLE OF AGENDA ITEM:

Consideration and Approval on the Consent Agenda of Order No. 2015-038, Order Accepting Petition and Setting Date for Public Hearing for Petition filed for Scott and Pamela Hayes Living Trust Property Annexation into the Redmond Fire and Rescue District.

PUBLIC HEARING ON THIS DATE? NO.

BACKGROUND AND POLICY IMPLICATIONS:

On July 14, 2015, Scott and Pamela Hayes submitted a petition to annex petitioner's property located at 10135 NW Coyner Avenue, Redmond, Oregon. On July 15, 2015, the County Clerk verified the signatures and the Petition is deemed filed. Pursuant to ORS 198.857(3), the Board must set a date for a public hearing no earlier than twenty and no later than fifty days from the date of filing. Order No. 2015-038 attached for Board signature, sets that hearing date for August 24, 2015, which is within that timeframe.

FISCAL IMPLICATIONS:

N/A.

RECOMMENDATION & ACTION REQUESTED:

Approval of Order No. 2015-038 as described above.

ATTENDANCE: None if on Consent Agenda

DISTRIBUTION OF DOCUMENTS:

Legal Department

REVIEWED


LEGAL COUNSEL

For Recording Stamp Only

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON

Order Accepting Petition and Setting Date *
For Public Hearing for Petition filed for Scott * ORDER NO. 2015-038
and Pamela Hayes Living Trust Annexation *
into the Redmond Fire and Rescue District *

WHEREAS, a petition requesting annexation of territory into the Redmond Fire and Rescue District was duly filed with the Deschutes County Board of County Commissioners ("Board") on or about July 15, 2015, a copy of which is attached hereto as Exhibit "1" and by this reference incorporated herein; and,

WHEREAS, ORS 198.857(3) requires the county board to set a date for a public hearing on the petition no earlier than 20 days and no later than 50 days from the date of filing with notice to the petitioners and to the board of the affected district; and,

WHEREAS, the next available hearing date within that time frame is August 24, 2015; and,

WHEREAS, the Board chooses to also require publication notice for special district annexations; and

WHEREAS, the petition lists the principal act for this annexation as ORS 198.010 when the principal act is actually ORS Chapter 478, but the error is minor such that it can be corrected with the final annexation order and this annexation process does not need to be delayed to correct the petition; now therefore,

THE BOARD OF COUNTY COMMISSIONERS OF DESCHUTES COUNTY, OREGON,
HEREBY ORDAINS as follows:

Section 1. The petition for annexation to the Redmond Fire and Rescue District, a copy of which is attached hereto as Exhibit "1," is hereby accepted for filing.

Section 2. A hearing regarding annexation to the district shall be held on August 24, 2015, at 10:00 a.m. at 1300 NW Wall Street, First Floor Hearing Room, Bend, Deschutes County, Oregon.

Section 3. Notice of Hearing shall be given in substantially the form set forth in Exhibit "2," attached hereto and by this reference incorporated herein. The Legal Department shall cause the notice to be published in The Bulletin on August 7, 2015 and August 17, 2015 and posted August 7, 2015, in three public locations within the county as follows: One notice shall be posted

on or near the doors of the meeting room of the Board of County Commissioners; one notice upon any official bulletin board customarily used for the purpose of posting public notices within the county; and one notice shall be posted upon any official public bulletin board customarily used for the purpose of posting public notices within the district. Notices posted shall be for not less than five (5) consecutive days.

Section 4. The Director of the Deschutes County Community Development Department shall cause to be filed with this Board prior to August 24, 2015, a land use compatibility statement regarding this proposed special district annexation as contemplated in ORS 197.175 and 199.462, and any other applicable statutory authority.

Dated this _____ of _____, 2015

BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON

ANTHONY DEBONE, CHAIR

ALAN UNGER, VICE CHAIR

ATTEST:

Recording Secretary

TAMMY BANEY, COMMISSIONER

PETITION TO ANNEX PROPERTY TO
REDMOND FIRE AND RESCUE
(Name of District)

To: The Board of County Commissioners
Deschutes County, Oregon

The undersigned, in support of this Petition, state as follows:

1. This Petition for Annexation is filed pursuant to ORS 198.705 to 198.955.
2. This annexation Petition affects only Deschutes County and REDMOND FIRE AND RESCUE
(Name of District)
3. The principal act for REDMOND FIRE AND RESCUE is
(Name of District)
ORS 198.010
(Proper statutory reference, see ORS 198.010)
4. The territory that is subject to this Petition for Annexation is primarily inhabited uninhabited
(circle one). The attached petitions in support of this annexation are signed by land owners
and registered voters in the area proposed to be annexed as indicated opposite their
respective signature, and that all signatures were obtained on or after the 25 day of
JUNE, 2015.
5. It is requested that the proceedings be taken for the annexation of said territory to
10135 NW COYNER AVE. REDMOND, OR. 97756 Deschutes County, Oregon. A
description of the boundaries of the territory to be annexed is attached hereto as Exhibit "A"
and depicted on the map attached as Exhibit "B".
6. That said Petition has been signed by at least 15 percent of the electors, or 100 electors
whichever number is lesser, or at least 15 owners or owners of 10 percent of the land,
(whichever is greater) within the area proposed to be annexed.

DATED this 25 day of JUNE, 2015.

Name: HAYES LIVING TRUST

Name: FRANKLIN SCOTT HAYES

Address: 10135 NW COYNER AVE
REDMOND OR. 97756

Address: 10135 NW COYNER AVE
REDMOND, OR. 97756

Phone: 503-881-5566

Phone: 503-881-5566

DATED this 25 day of JUNE, 2015

Approved by the Board of Commissioners of

FRANKLIN S. HAYES
PAMELA J. NOFZIGER-HAYES

Name of District

Signature

By: _____
(Print Name)

Title: _____

DATED this 25 day of JUNE, 2015

Approved by City of _____

Signature

By: _____
(Print Name)

Title: _____



REDMOND FIRE & RESCUE

341 NW DOGWOOD AVE, REDMOND, OR 97756

WWW.REDMONDFIREANDRESCUE.ORG

July 8, 2015

Deschutes County Commissioners
1300 NW Wall Street
Bend, Oregon 97701

Commissioners,

Redmond Fire & Rescue received an annexation request from Scott and Pamela Hayes, Hayes Living Trust, for their property located at 10135 NW Coyner Avenue. The property is contiguous to Redmond Fire & Rescue's Fire District and within our Ambulance Service Area.

The annexation request meets the requirements set forth in Redmond Fire & Rescue's annexation policy. The request includes the following tax lots:

<u>Legal /Tax Lot #</u>	<u>Address</u>
141228D000300	10135 NW Coyner Avenue

The Redmond Fire & Rescue Board of Directors approves the annexation of the above properties on this 8th day of July 2015.

Carroll Penhollow
Carroll Penhollow, President

7-8-15
Date

SEND TAX STATEMENTS TO:

Unchanged

AFTER RECORDING, RETURN TO:

Evans ♦ Batlan, Attorneys at Law
969 - 13th Street SE
Salem, OR 97302

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2010-07488



\$48.00

D-D Cnt=1 Str=30 JS

02/22/2010 09:55:32 AM

\$5.00 \$11.00 \$18.00 \$10.00 \$8.00

The true and actual consideration for this transfer is nonmonetary.

WARRANTY DEED

F. SCOTT HAYES and PAM NOFZIGER-HAYES, Grantors

Convey and warrant to

FRANKLIN S. HAYES PAMELA J. NOFZIGER-HAYES and, Trustees, under the
HAYES LIVING TRUST, dated February 17, 2010, and any amendments thereto, Grantee

All the following described real property situated in Deschutes County, State of Oregon, commonly known as 10135 NW Coyner Ave. ,
Redmond, OR 97756 and more specifically described as:

Parcel Two (2) of Partition Plat 2004-101, Deschutes County, Oregon.
Tax Account No. 246628

free from encumbrances except those of record. The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns
under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available
to Grantor under any policy of title insurance issued to Grantor at the time Grantor acquired the property. The limitations contained herein
expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of
such liability or obligations.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT
THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424,
OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW
USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE
UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010,
TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING
OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY
OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS
2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

Dated: February 17, 2010

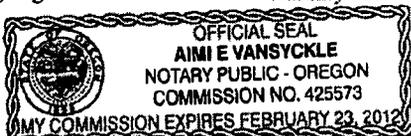
Grantors

F. SCOTT HAYES

PAM NOFZIGER-HAYES

STATE OF OREGON, County of Marion) ss.

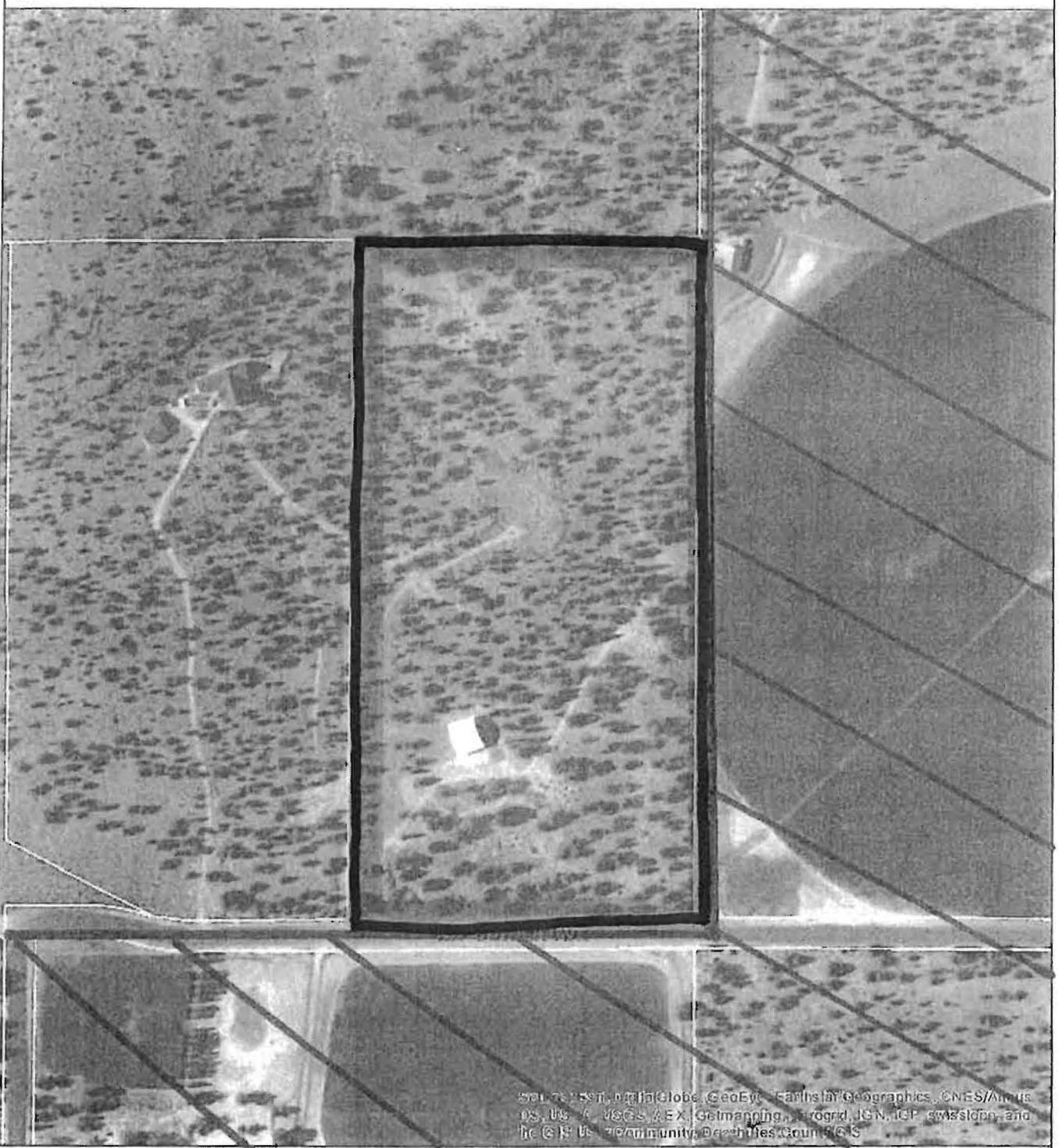
Personally appeared before me on February 17, 2010, F. SCOTT HAYES and PAM NOFZIGER-HAYES and acknowledged the
foregoing instrument to be their voluntary act.



Notary Public for Oregon
My Commission Expires on: Feb. 23, 2012

10135 NW Coyner Ave

(B)



Source: ESRI, DeLorme, GeoEye, Earthstar Geographics, CNES/Airbus
 DS, USGS, AeroGRID, IGN, IGP, swisstopo, and
 the GIS User Community, Deschutes County GIS

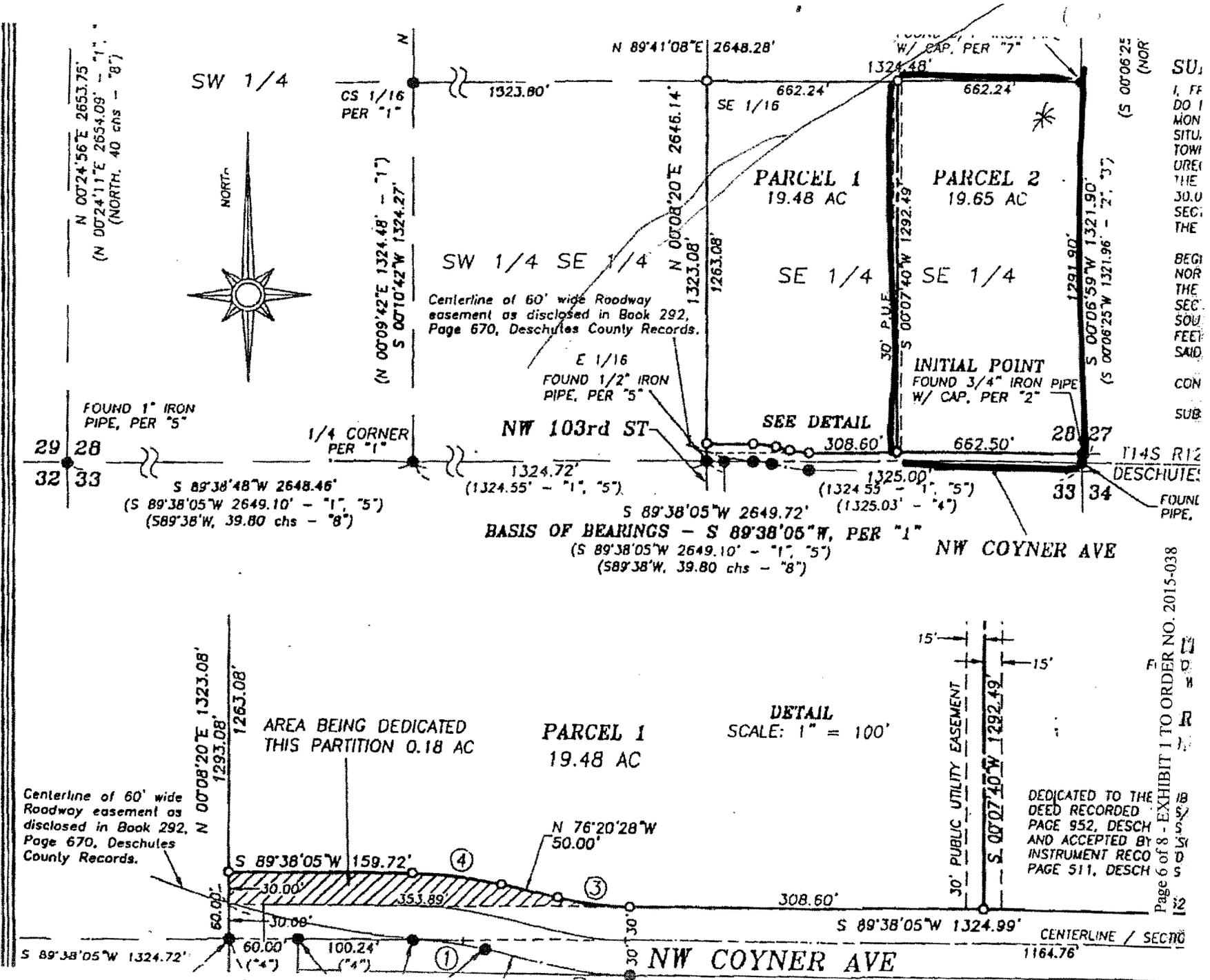
CURRENT REDMOND FIRE
 & RESCUE BOUNDARIES



ANNEX PROPERTY LOCATION



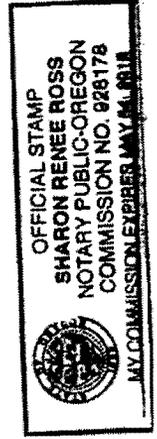
EXHIBIT 11 (BY PAGE 3)



NAME OF DISTRICT: REDMOND FIRE AND RESCUE

PRINT NAME	DATE SIGNED	PROPERTY ADDRESS/ RESIDENCE ADDRESS (If Different)	LANDOWNER IN THE PROPOSED TERRITORY/ REGISTERED VOTER IN THE PROPOSED TERRITORY
1 <u>HAYES LIVING TRUST</u> Print Name <u>Franklin Scott Hayes (TRUSTEE)</u> Signature	06-25-15 Date 07-13-15	<u>10135 NW COYNER AVE REDMOND OR</u> PROPERTY ADDRESS <u>97756</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>19.65</u> Registered Voter Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
2 <u>FRANKLIN SCOTT HAYES</u> Print Name <u>Franklin Scott Hayes</u> Signature	06-25-15 Date 07-13-15	<u>10135 NW COYNER AVE REDMOND OR</u> PROPERTY ADDRESS <u>97756</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>19.65</u> Registered Voter Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
3 <u>PAMELA J. NOEZIGER-HAYES</u> Print Name <u>Pamela J. Noziger-Hayes</u> Signature	06-25-15 Date 07-13-15	<u>10135 NW COYNER AVE REDMOND OR</u> PROPERTY ADDRESS <u>97756</u> RESIDENCE ADDRESS (If Different)	Landowner Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Acreage <u>19.66</u> Registered Voter Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
4 Print Name Signature	 Date	 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>
5 Print Name Signature	 Date	 PROPERTY ADDRESS RESIDENCE ADDRESS (If Different)	Landowner Yes <input type="checkbox"/> No <input type="checkbox"/> Acreage Registered Voter Yes <input type="checkbox"/> No <input type="checkbox"/> Pre <input type="checkbox"/>

County of Deschutes ss. 13 day of July 20 15
 I, FRANKLIN SCOTT HAYES, certify that I circulated this petition, and every person who signed this petition did so in my presence.
 Signature: Franklin Scott Hayes
 Notary Public for Oregon
 My Commission Expires: 5-4-2018



SECURITY DEPOSIT FOR SPECIAL DISTRICT FORMATION OR REORGANIZATION

FORMATION ANNEXATION WITHDRAWAL DISSOLUTION

REDMOND FIRE AND RESCUE District

No. of precincts in district @ \$ _____ per precinct = \$ _____ total deposit (maximum of \$10,000)

PERSONS/ORGANIZATIONS PROVIDING ANY PART OF CASH/SECURITY DEPOSIT

- NAME (PRINT) HAYES LIVING TRUST SIGNATURE Scott Hayes (TRUSTEE)
 RESIDENCE ADDRESS 10135 NW COYNER AVE
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OREGON 97756
 AMOUNT OF CONTRIBUTION/VALUE OF SECURED DEPOSIT _____
 KIND OF CONTRIBUTION:* CASH BOND OTHER SECURITY DEPOSIT
- NAME (PRINT) FRANKLIN SCOTT HAYES SIGNATURE F. Scott Hayes (TRUSTEE)
 RESIDENCE ADDRESS 10135 NW COYNER AVE.
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OREGON 97756
 AMOUNT OF CONTRIBUTION/VALUE OF SECURED DEPOSIT _____
 KIND OF CONTRIBUTION:* CASH BOND OTHER SECURITY DEPOSIT
- NAME (PRINT) PAMELA J. NOFZIGER-HAYES SIGNATURE Pamela J. Noziger-Hayes
 RESIDENCE ADDRESS 10135 NW COYNER AVE.
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OREGON 97756
 AMOUNT OF CONTRIBUTION/VALUE OF SECURED DEPOSIT _____
 KIND OF CONTRIBUTION:* CASH BOND OTHER SECURITY DEPOSIT

CHIEF PETITIONERS

I/we hereby declare if the costs of the attempted formation, annexation, withdrawal, or dissolution of REDMOND FIRE AND RESCUE district exceed the deposit, I/we will pay to the county treasurer the amount of the excess costs (ORS 198.775).

- NAME (PRINT) HAYES LIVING TRUST SIGNATURE Scott Hayes (TRUSTEE)
 RESIDENCE ADDRESS 10135 NW COYNER AVE DATE 06-25-2015
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OR. 97756 DAY TELEPHONE 503-881-5566
- NAME (PRINT) FRANKLIN SCOTT HAYES SIGNATURE F. Scott Hayes (TRUSTEE)
 RESIDENCE ADDRESS 10135 NW COYNER AVE DATE 06-25-2015
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OR. 97756 DAY TELEPHONE 503-881-5566
- NAME (PRINT) PAMELA J. NOFZIGER-HAYES SIGNATURE Pamela J. Noziger-Hayes
 RESIDENCE ADDRESS 10135 NW COYNER AVE DATE 06-25-2015
 MAILING ADDRESS (IF DIFFERENT) _____
 CITY, STATE, ZIP CODE REDMOND, OR. 97756 DAY TELEPHONE 503-881-5566

*Provide additional description of security deposit on reverse or separate sheets. Additional contributors may be listed on separate sheets and attached.

**NOTICE OF PUBLIC HEARING
BY THE BOARD OF COUNTY COMMISSIONERS
OF DESCHUTES COUNTY, OREGON**

On August 24, 2015, at 10:00 a.m., the Deschutes County Board of Commissioners will hold a public hearing to consider a petition for annexation of certain property owned by Scott and Pamela Hayes Living Trust into the Redmond Fire and Rescue District. This hearing will be held in the Board of County Commissioners' Hearing Room, First Floor, 1300 NW Wall Street, Bend, Oregon. All interested persons may appear and be heard.

The property Petitioner proposes to annex is comprised of 19.65 acres, and is identified as Tax Lot 141228D000300, 10135 NW Coyner Avenue, Redmond, Deschutes County, Oregon. To view a map and legal description of the boundaries of the proposed annexation, contact the Deschutes County Counsel's Office at 388-6622. The purpose of the proposed annexation is to provide fire protection services to the property proposed for annexation.

Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 388-6572, or send an e-mail to bonnie.baker@deschutes.org.